

REMARKS

Claims 1-9 and 11, as amended, remain herein.

Minor editorial changes have been made to claims 1-9 and 11 for purposes of clarity.

Claim 1 was also amended to recite that the communications system is configured to exchange information using at least one other non-TCP/IP protocol.

Applicants thank the Examiner for the indication of allowability of claims 3-8, acknowledgement of Applicants' claim of priority under 35 U.S.C. § 119, and consideration of Applicants' Information Disclosure Statement as evidenced by the signed and returned PTO-Form 1449.

Claim 1 was rejected under 35 U.S.C. § 102(e) over Beck et al ("Beck"). Applicants' claim 1 as amended recites that the communications system is configured to exchange information using the TCP/IP communications protocol and at least one other non-TCP/IP communications protocol. In contrast, the Beck processor nodes 20 (which the Office Action equates with the smart modules of Applicants' claim 1) communicate using only TCP/IP. The Beck processor nodes 20 are not configured to exchange information using a non-TCP/IP protocol as recited in Applicants' amended claim 1. Thus Beck does not disclose all elements of Applicants' claimed invention.

Further, there is no basis, suggestion or motivation to modify Beck to exchange information using a non-TCP/IP communications protocol. There is no teaching or suggestion in Beck's cluster of processor nodes 20 regarding the presence of any other protocols, or for functionality that would require the use of other protocols.

Accordingly, Applicants' amended claim 1 is patentably distinct over Beck. Withdrawal of the rejection of claim 1 and allowance of the same are therefore requested.

Claims 2 and 9-11, which depend from claim 1, also were rejected under 35 U.S.C. § 102(e) over Beck. For at least the reasons discussed with respect to claim 1, dependent claims 2, 9 and 11 are likewise patentably distinct from Beck. Withdrawal of the rejection of claims 2, 9 and 11 and allowance of same are therefore requested. Claim 10 was cancelled, thereby rendering the rejection thereof moot.

Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested.

Any amendments to the claims not specifically argued to overcome a rejection based upon the prior art have been made for clarity, a purpose unrelated to patentability. This includes all amendments to claims 2-9 and 11, and all amendments to claim 1 other than the recitation of the non-TCP/IP protocol.

If a telephone conference would be of value, the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No.28954.2006).

Respectfully submitted,

STEPTOE & JOHNSON

A handwritten signature in black ink, appearing to read "R. W. Parkhurst", written over the firm name.

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